Office de la propriété
intellectuelle
du Canada

Un organisme
d'Industrie Canada
www.opic.gc.ca

Canadian
Intellectual Property
Office

An Agency of
Industry Canada
www.cipo.gc.ca

June 9, 2010

GOWLING LAFLEUR HENDERSON LLP
1 Place Ville Marie
37th Floor
MONTREAL Quebec
H3B 3P4

Application No.	:	**2,405,491**
Owner	:	SCIENTIFIC-ATLANTA, INC.
Title	:	**SYSTEM FOR PROVIDING ALTERNATIVE SERVICES**
Classification	:	H04N 7/16 (2006.01)
Your File No.	:	**L8000738CA**
Examiner	:	Tanya Novo-Verde

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(*a*) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN **6** MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on October 5, 2009. However, the examiner considers that the application still does not comply with the *Patent Act* or *Rules* in respect of the following defects.

The number of claims in this application is 48.

A further search of the prior art has revealed the following references:

Reference Re-applied

United States Patent
D1: US 5956716 ¤   September 12, 1999   Kenner et al.

Reference of Interest

International Patent Application
D2: WO 9952285   October 14, 1999   Hendricks et al.

¤ citation stemming from EPO search report

Canada

D1 discloses a system and method for delivery of video data over a computer network.
D2 discloses a novel multiple channel architecture designed to allow targeted advertising directed to television terminals connected to an operations center or a cable headend. Program channels carry television programs. The invention uses upstream data reception hardware, databases and processing hardware and software to accomplish these functions.

The examiner has identified the following defects in the application:

Obviousness

Claims 1 to 48 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which it pertains having regard to D1 and in light of the common general knowledge in the art.

In the applicant's correspondence received in this office on October 5, 2009. The applicant cites that previously applied reference D1 does not teach or suggest databases including a "channel table referencing a plurality of services corresponding to a plurality of channels and service table defining the plurality of services and including the definition of alternate services assigned to at least one of the plurality of service" (page 2, paragraph 4).

The examiner respectfully disagrees with this statement and would like to direct the applicant to the following elaborations. More specifically, D1 refers to a feature regarded as the primary index manager which serves as a primary search engine and a database management module (col. 10, lines 11-12; Figure 1, item 22). The primary index manager (PIM) comprises an index manager supervisory process, text database management logic, storage management logic, message routing logic and DSI and extended SRU command logic (col. 10, lines 13-16). It is clear that D1 discloses a functional equivalent for the feature of a channel table referencing a plurality of services corresponding to a plurality of channels, seeing that D1 discloses the primary index manager which downloads a list of all available video clips to the user's terminal and serves as a database (col. 16, lines 34-38). Further, the feature of the service table defining the plurality of services and including the definition of alternative services for each service is disclosed in D1 (col. 9, lines 3-6: '; col. 22, lines 43-45; col. 24, lines 63-67).

As to claim 1, D1 discloses a method for a client device with a processor and memory (col. 8, lines 14-16: "*user interface..typically is a personal computer, workstation, or a television set top box*") that is coupled to a server device (abstract: "*PIM attempts to locate the closest server*"; col. 8, lines 16-18: "*Terminal is connected to or includes the SRU and sends the user's requests to the PIM*") to provide a subscriber an alternative service upon accessing an unauthorized service (col. 24, lines 50-53: "*the PIM accesses the user database to determine whether the user is valid*"; col. 24, lines 59-66: "*If any of the foregoing database checks fail, the local SRU will not receive authorization...If alternative versions of the desired clip are available*

which would be authorized given the user's subscription limitations, the user can be presented with the option to download the alternative versions"), comprising the steps of-

  -receiving from the server device and storing in the memory a service database, (col. 4, lines 55-60: "*request is transmitted to the user's primary index manager ("PIM") via a local storage and retrieval unit (local SRU)*"; Figure 1 item 26);

  -accessing the service database responsive to the subscriber attempting to access a desired channel to determine a first service corresponding to the desired channel (col. 35, lines 42-45: "*controlled by the primary index manager and adapted to direct the extended storage and retrieval module to download the requested video clips*");

  -determining whether the subscriber is authorized for the first service according to the authorization database, wherein the client device presents the first service to the subscriber on a display device responsive to the authorization database revealing that the subscriber is authorized for the first service (col. 24, lines 50-60: "*the PIM accesses the user database to determine whether the user is valid...accesses the clip database to determine..whether the user has valid subscription rights and is authorized*"); and

  -presenting one of the alternate services according to the service database responsive to the subscriber being unauthorized to receive the first service (col. 24, lines 50-53: "*the PIM accesses the user database to determine whether the user is valid*"; col. 24, lines 59-66: "*If any of the foregoing database checks fail, the local SRU will not receive authorization...If alternative versions of the desired clip are available which would be authorized given the user's subscription limitations, the user can be presented with the option to download the alternative versions*").

D1 does not specifically disclose the features of a database including a channel table which references a plurality of services corresponding to a plurality of channels and a service table defining the plurality of services and including the definition of alternate services assigned to at least one of the plurality of services and an authorization database wherein the authorization database includes a list of authorizations individual to the subscriber and corresponding to the plurality of services. With respect to the first feature, D1 refers to a feature regarded as the primary index manager which serves as a primary search engine and a database management module (col. 10, lines 11-12; Figure 1, item 22). The primary index manager (PIM) comprises an index manager supervisory process, text database management logic, storage management logic, message routing logic and DSI and extended SRU command logic (col. 10, lines 13-16). It is clear that D1 discloses a functional equivalent for the feature of a channel table referencing a plurality of services corresponding to a plurality of channels, seeing that D1 discloses the primary index manager which downloads a list of all available video clips to the user's terminal and serves as a database (col. 16, lines 34-38). Further, the feature of the service table defining the plurality of services and including the definition of alternative services for each service is disclosed in D1 (col. 9, lines 3-6: '; col. 22, lines 43-45; col. 24, lines 63-67). With respect to the second feature, D1 does disclose a functional equivalent for an authorization database wherein the authorization database includes a list of authorizations individual to the subscriber and corresponding to the plurality of services. Wherein an authorization checks process is undergone to verify that the subscriber is authorized to access a specifically

requested service (col. 24, lines 50-66). The feature of an authorization database which includes a list of authorizations is not an inventive stretch from what has been disclosed in D1. Therefore, claim 1 is obvious having regard to D1 and in light of the common general knowledge in the art.

As to claim 14, it is objected to as per the objections raised for claim 1. Therefore, claim 14 is obvious having regard to D1 and in light of the common general knowledge in the art.

As to claim 34, it is objected to as per the objections raised for claim 1. Therefore, claim 34 is obvious having regard to D1 and in light of the common general knowledge in the art.

As to claim 35, it is objected to as per the objections raised for claim 1. Therefore, claim 35 is obvious having regard to D1 and in light of the common general knowledge in the art.

As to claim 36, it is objected to as per the objections raised for claim 1. In addition to those features, D1 does not specifically disclose the features of the assigned alternative service presentable in an overlapping time frame to the at least one service; and receiving from the server device and storing in the memory a second data set. However, D1 does disclose a functional equivalent to the feature of receiving from the server device and storing in the memory a second data set wherein a plurality of different types of data can be stored and accessed in addition to the primary data (col. 28, lines 6-9). The feature of the assigned alternative service presentable in an overlapping time frame to the at least one service relates to a display option in presenting the information with regards to the service and is therefore deemed to be more of an aesthetic feature and not an inventive one. Therefore, claim 36 is obvious having regard to D1 and in light of the common general knowledge in the art.

As to claim 37, it is objected to as per the objections raised for claim 36.

Dependent claims 2 to 13, 15 to 33 and 38 to 48 do not define any additional features that would distinguish them from D1 and the common general knowledge in the art, hence the subject matter is deemed obvious.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Tanya Novo-Verde
Patent Examiner
819-934-4891